

TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION PUBLIC HEARING

DECEMBER 1, 2014

MOTIONS

PUBLIC HEARING ITEMS:

1. **APPLICATION FOR A SPECIAL EXCEPTION, SE #14-01, SHAMIN HOTELS, HILTON GARDEN INN–HOME 2 SUITES, 232 Sunset Business Park and Abutting Property. Descriptive Summary of Proposed Action:** Consideration of an application for a special exception to permit the construction of proposed on-site surface parking that will encroach into the Floodplain Overlay District. The parking will be associated with a proposed hotel use on the same property subject to approval, if approved, of a Proffered Conditions Amendment (PCA) that is being considered concurrently with this application. The subject property is zoned PD-B, Planned Development - Business, and is identified as Fairfax County Tax Map Numbers 0173-07-005A and 0173-02-004A. Owners/Applicants: Herndon I, LLC % Shamin Hotels. Agents: David S. Houston, Grayson P. Hanes, and Sarah L. Buzby % Reed Smith LLP. *Deferred from the September 8, 2014, October 6, 2014, and November 3, 2014, public hearings.*

MOTION: Commissioner Jonas moved to recommend approval of SE #14-01 to the Town Council as submitted.

Commissioner G. Burke seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 6-0 (Vice Chairman LeReche was absent).

2. **PROFFERED CONDITIONS AMENDMENT, PCA #14-101, SHAMIN HOTELS, HILTON GARDEN INN–HOME 2 SUITES REZONING. Descriptive Summary of Proposed Action:** Consideration of an application to revise the proffer statement language adopted as part of Ordinance 05-O-26 and Ordinance 05-O-27 for the property located at 232 Sunset Park Drive in the Sunset Business Park and on abutting property, Herndon, Virginia. The property is identified as Fairfax County Tax Map Numbers 0173-07-005A and 0173-02-004A and has a total area of 9.58 acres (417,194 square feet.) Owners/Applicants: Herndon I, LLC % Shamin Hotels. Agents: David S. Houston, Grayson P. Hanes, and Sarah L. Buzby % Reed Smith LLP. The applicant proposes to revise the proffer statement language and Generalized Development Plan (GDP) to allow a hotel use as a permitted principal use within the Planned Development – Business, PD-

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B, zoning district under the current adopted Ordinance. The proposed hotel use will consist on a five-story structure of ±152,872 gross square feet (GSF) with 250 rooms and associated on-site parking. The approximate proposed floor area ratio is 0.36. The applicant is proposing proffered conditions to accompany the amendment application and is requesting modifications to the requirements to allow a height of 60 feet (five stories) when a maximum of 45 feet is allowed, a possible modification to allow a reduction of 2 parking space and a modification of the required number of loading spaces to allow one loading space when three spaces are required. The applicant is requesting a waiver to permit administrative review of the site plan. A special exception is required to permit construction within the Floodplain Overlay District and is being considered concurrently with this application under Special Exception, SE #14-01. The property is designated in the Herndon 2030 Comprehensive Plan as "Regional Corridor Mixed Use" and is subject to the Redevelopment Criteria. *Deferred from the September 8, 2014, October 6, 2014, and November 3, 2014, public hearings.*

MOTION: Commissioner R. Burk moved to recommend approval of PCA #14-101 to the Town Council as submitted (Proffer Statement dated November 18, 2014).

Commissioner Jonas seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 6-0 (Vice Chairman LeReche was absent).

3. **TOWN OF HERNDON COMPREHENSIVE PLAN AMENDMENT, CPA #14-01 FAIRBROOK DRIVE EXTENSION. Descriptive Summary of Proposed Action:** A proposal for the Planning Commission to certify and recommend approval to the Town Council to amend the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, to include the addition of the Fairbrook Drive extension to the Town of Herndon Proposed Major Street Network map. The plan amendment will also make minor changes to the appropriate plan text (Chapter IX Transportation) in order to reference the addition of Fairbrook Drive extension. The proposed Fairbrook Drive extension will be approximately 1500 feet and have two travel lanes from the end of the existing section of Fairbrook Drive to Spring Street, with additional turning lanes at the approach to the intersection with Spring Street. Fairfax County Tax Map Parcels 0164-25-H, 0164-25-O and 0173-02-0004A will be affected by the proposed plan amendment.

MOTION: Commissioner Jonas resolved to recommend approval of CPA #14-01 to the Town Council as outlined in the following Resolution:

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PLANNING COMMISSION RESOLUTION

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Resolution – CPA #14-01. Recommending Comprehensive Plan Amendment #14-01 to the Town Council of the Town of Herndon, Virginia.

BE IT RESOLVED by the Planning Commission for the Town of Herndon that:

1. The Planning Commission has reviewed proposed amendments to the Town of Herndon 2030 Comprehensive Plan and after public hearing is reporting to the Town Council at this time, in accord with Section 15.2-2285 of the Code of Virginia.
2. The Planning Commission recommends approval of changes to Chapter IX of the Town of Herndon 2030 Comprehensive Plan, Transportation section. The commission recommends the amendment of the Proposed Major Street Network map to show Fairbrook Drive as a major collector. The commission is also recommending changes to Chapter IX text to reflect the addition of Fairbrook Drive to the Major Street Network section under long term projects:

***3. Fairbrook Drive: (Major Collector, approximately 1500 feet) two travel lanes from end of the existing section of Fairbrook Drive to Spring Street, with additional turning lanes at the approach to the intersection with Spring Street.**

Commissioner G. Burke seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 6-0 (Vice Chairman LeReche was absent).

4. **SUBDIVISION ORDINANCE TEXT AMENDMENT, SOTA #14-02. Descriptive Summary of Proposed Action:** Consideration of an amendment to the Town of Herndon Subdivision Ordinance (2007), Herndon Town Code (2000), as amended, to revise § 70-202, Preliminary subdivision plan, and § 70-203, Subdivision site plan, to provide language to eliminate the requirement for a preliminary subdivision plat for subdivisions involving 50 or fewer lots to align with provisions within the Commonwealth of Virginia Code.

MOTION: Commissioner G. Burke moved to recommend approval of SOTA #14-02 to the Town Council as outlined in the following Ordinance:

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2014

Ordinance - Amending the Subdivision Ordinance to eliminate the requirement for a preliminary subdivision plat for subdivisions involving 50 or fewer lots, pursuant to changes made by the 2014 General Assembly; SOTA # 14-02.

In adopting this ordinance, the Town Council has considered the factors set out in §15.2-2284, Code of Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Section 70-202, Preliminary subdivision plan, Subdivision Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 70-202. Preliminary subdivision plan.

(a) *Purpose.* A preliminary subdivision plan involving more than 50 lots is reviewed and approved prior to the subdivider's preparation of a final subdivision plat and subdivision site plan. The review process shall be governed by the provisions of the zoning ordinance, Herndon Town Code section 78-202.6(d), site plans that require a public hearing. A subdivision site plan for this purpose constitutes a subdivision plat, not a site plan. For subdivisions involving 50 or fewer lots, the subdivider at the subdivider's option may undergo the preliminary subdivision plat process required for subdivision of more than 50 lots. If the subdivider does not exercise this option, the subdivider shall proceed to the final subdivision plat process.

After approval of the preliminary subdivision plan by the town council, if necessary (or if not necessary, in any event), the applicant shall submit a final subdivision plat and subdivision site plan for review and consideration prior to site development. The subdivider may submit a final subdivision plat and a subdivision site plan as the preliminary subdivision plan.

(d) *Validation of approved preliminary subdivision plan.* Within 90 days of approval by the town council of a preliminary subdivision plan if necessary, the subdivider shall submit five copies of the approved preliminary subdivision plan to the subdivision administrator for validation. The plan shall show all features as approved and shall include a copy of the certified town council resolution approving the plan, if necessary. The subdivision administrator shall review the plan, if

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applicable require corrections if necessary, and sign five copies of the correct plan. One signed copy shall be returned to the subdivider.

2. Section 70-203, Subdivision site plan, Subdivision Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 70-203. Subdivision site plan.

(a) *Purpose.* A subdivision site plan shall be submitted and approved prior to approval of the final subdivision plat and deed. The subdivision site plan shall be consistent with any valid preliminary subdivision plan as approved by the town council if necessary and shall be approved, if it is approved, administratively. The subdivision site plan shall be submitted and reviewed concurrently with a final subdivision plat and deed. If no preliminary site plan is required, the subdivider shall submit the subdivision site plan, final subdivision plat, and deed.

(b) *Submittal.*

(1) The subdivider shall, after receiving approval of a preliminary subdivision plan if necessary or a proffered generalized development plan, submit a subdivision site plan that conforms to the standards and requirements described in section 70-202(c). Submittal of the subdivision site plan shall include the items described in the zoning ordinance, Herndon Town Code, Section 78-201.3, submittal requirements.

3. This ordinance shall be effective on and after the date of its adoption.

Commissioner Jonas seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 5-0 (Vice Chairman LeReche was absent; Commissioner Regan left early).

5. **ZONING ORDINANCE TEXT AMENDMENT, ZOTA #14-04. Descriptive Summary of Proposed Action:** Consideration of an amendment to the Town of Herndon Zoning Ordinance (2007), Herndon Town Code (2000), as amended, to revise § 78-602, Nonconforming structures, to provide language to determine the status of nonconforming structures constructed pursuant to a building permit and a certificate of occupancy.

MOTION: Commissioner G. Burke moved to recommend approval of ZOTA #14-04 to the Town Council as outlined in the following Ordinance:

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2014

Ordinance - Amending the Zoning Ordinance to determine the status of nonconforming structures constructed pursuant to a building permit and a certificate of occupancy to conform to changes made by the 2014 General Assembly; ZOTA # 14-04.

In adopting this ordinance, the Town Council has considered the factors set out in §15.2-2284, Code of Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Section 78-602, Nonconforming structures, Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 78-602. Nonconforming structures.

- (f) Notwithstanding any other provision in this chapter to the contrary, if (i) the town has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the town issued a certificate of occupancy or a use permit therefor, or (ii) the owner of the building or structure has paid taxes to the town for such building or structure for a period of more than the previous 15 years, such building or structure is not illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. Such building or structure shall be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure.

3. This ordinance shall be effective on and after the date of its adoption.

Commissioner Moses seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 5-0 (Vice Chairman LeReche was absent; Commissioner Regan left early).

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6. **ZONING ORDINANCE TEXT AMENDMENT, ZOTA #14-08. Descriptive Summary of Proposed Action:** Consideration of an amendment to the Town of Herndon Zoning Ordinance (2007), Herndon Town Code (2000), as amended, to revise § 78-303.2(d)(5)g., PD-W, planned development—Worldgate district, Use limitations, and § 78-701. Definitions, to provide language for signs permitted within the PD-W, Planned Development – Worldgate, zoning district.

MOTION: Commissioner Jonas moved to recommend approval of ZOTA #14-08 to the Town Council as outlined in the following Ordinance:

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2014

Ordinance - Amending the Zoning Ordinance (2007) to provide language for signs permitted within the Planned Development – Worldgate, PD-W, zoning district, ZOTA #14-08.

In adopting this zoning ordinance the Town Council has considered the factors set out in §15.2-2284, Code of Virginia (1950), as amended.

BE IT ORDAINED by the Council of the Town of Herndon that:

1. Subsection 78-303.2(d)(5)g., Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 78-303.2. Additional development standards for planned development districts.

(d) PD-W, planned development—Worldgate district. This district applies exclusively to the Worldgate development as approved by the Fairfax County Board of Supervisors and accepted under the town's zoning and planning authority on January 2, 2005. Where conflict may arise between the provisions of this section and other provisions of this chapter, the provisions of this section shall govern.

- (5) *Use limitations.*

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- g. Signs shall be permitted only in accordance with the provisions of section 78-202.7, sections 78-508 through 78-508.10, signs, ~~and~~ other applicable sections of this chapter, and as described in 1.i. below. Signs existing on January 2, 2005 and developed in accord with the provisions of article 12 and article 11 of the Fairfax County Zoning Ordinance shall be deemed legal and conforming with respect to this chapter. Notwithstanding the provisions of section 78-508.5, the following signs shall be permitted for any multi-tenant mixed-use development in the PD-W District:

1. Freestanding Signs

- i. Main Project Identification Sign – One project identification sign is permitted at the intersection of Centreville Road and Worldgate Drive. This sign shall be no greater than twenty feet in height, including the base, with a maximum sign area of one hundred fifty square feet.
- ii. Project Monument Signs – Project monument signs are permitted at the west and east vehicular access points along Worldgate Drive and shall be no greater than fifteen feet in height, including the base, with a maximum sign area of seventy-five square feet. One side of each of the project monument signs may be a theatre marquee.
- iii. Directional Monument Signs – Four directional monument signs are permitted to be located throughout the Worldgate property. The directional monument signs shall be no greater than five feet in height with a maximum sign area of ten square feet.
- iv. Column Directional Signs – Two column directional signs are permitted to be located at the internal garage entrance ramp. The column directional signs shall be no greater than sixteen feet in height and shall be permitted to have up to four sign faces, with each face permitted a maximum sign area of thirty-five square feet.

2. Wall Signs

- i. Garage-Mounted Blade Sign – One garage-mounted blade sign is permitted at the signalized entrance on Worldgate Drive. The garage-mounted blade sign shall be no greater

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than thirteen feet in height with a maximum sign area of forty square feet.

- ii. Garage-Mounted Directional Signs – Two garage-mounted directional signs are permitted at the signalized entrance on Worldgate Drive. The garage-mounted directional signs shall each have a maximum sign area of twenty square feet.
- iii. Building-Mounted Parking Signage – One building-mounted parking sign is permitted at the pedestrian garage access at the signalized entrance along Worldgate Drive. The building-mounted parking sign shall be permitted a maximum sign area of twenty-five square feet.

- 2. Section 78-701, Definitions, Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 78-701. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section.

[insert in alphabetical order]

Sign, blade. Any sign that projects in a perpendicular manner from a building façade.

- 3. This ordinance shall be effective on and after the date of its adoption.

Commissioner G. Burke seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 5-0 (Vice Chairman LeReche was absent; Commissioner Regan left early).